

**REMARKS**

**Introduction**

Claims 1-16 are pending, with claims 1 and 9 being independent. Applicants have amended claims 1-7, 9-10, 13 and 15 to correct informalities in the claim language, and to more clearly define the claimed subject matter. No new matter has been added.

In view of the foregoing amendments and the following remarks, Applicants respectfully submit that all pending claims are in condition for allowance.

**Claim Objections**

Claim 3 was objected to because of minor informalities. Claim 3 has been amended to overcome this objection. Accordingly, Applicants respectfully request reconsideration and withdrawal of the above-stated objection.

**Indefiniteness under 35 U.S.C. § 112**

Claim 5 was rejected under 35 U.S.C. § 112, second paragraph, for allegedly being indefinite. Applicants respectfully submit that the amendments made to claim 5 overcome this rejection. Accordingly, Applicants respectfully request reconsideration and withdrawal of the above-stated rejection.

**Double Patenting**

Claim 1 was rejected under 35 U.S.C. § 101 as being unpatentable over claim 1 of the copending application 11/979,123. Applicants respectfully submit that a Preliminary Amendment was filed on January 19, 2009 for Application No. 11/979,123 in which claim 1 of '123 application has been amended, while the present Office Action was issued on November 25,

2008. In view of the preliminary amendment in the '123 application, Applicants respectfully request that the Examiner withdraw the rejection under 35 U.S.C. § 101.

**Novelty under 35 U.S.C. § 102**

Claims 1, 5, 9-10, and 12 were rejected under 35 U.S.C. § 102(e) as being anticipated by Fraser (USP 6,895,502). Applicants respectfully traverse this rejection for at least the following reasons.

Applicants respectfully submit that a secure remote access system of the present application makes it possible to safely and remotely operate a server through a network. The system includes an anti-tampering device for adequately connecting a client device to the server, and a program stored in the storage medium.

In contrast, Fraser relates to a remote access system in which a terminal device accesses a server device. The terminal device is connected to a reader 20 including a slot to which a smart card 18 is inserted. The reader 20 includes a non-volatile memory (not shown) arranged to store software 32. In this point, the Examiner asserts that Fraser's software 32 corresponds to the claimed "program stored in the non-volatile memory area." Applicants respectfully disagree.

In the present application, as recited by claim 1, a combination of a server and a client device is arranged to perform a secure remote access. A "program" recited by claim 1 is executed on the client device through an interface by which the anti-tampering memory and the non-volatile memory of the storage medium are connected to the client device, and used to "constitute the communication channel between the client device and the server." It is clear that claimed program stored in the non-volatile memory area of the storage medium is executed by the client device.

In contrast, in Fraser, as described in column 9, lines 7-9, information used for authentication is stored in a combination of the smart card 18 and the reader 20. However, Fraser fails to disclose or suggest a program or any other information arranged to be “*stored in the non-volatile memory*” which is executed by the client device for “*constituting the communication channel between the client device and the server*” as recited by claim 1.

The Examiner also asserts that column 12, lines 4-20 of Fraser discloses “constituting the communication channel between the client device and the server” as recited by claim 1. The alleged program, software 32 of Fraser, is not provided on the smartcard 18 which is the alleged storage medium of claim 1. Further, the software 32 of Fraser is not operable on the alleged client device, but operates on the combination of the smartcard 18 and the reader 20, which is not the claimed client device. As such, it is clear that, at a minimum, Fraser fails to disclose or suggest a program stored in a non-volatile memory area of the storage medium and executable by a client device, as recited by claim 1.

Accordingly, claim 1 and all claims dependent thereon are patentable over Fraser. Similarly, since claim 9 recites substantially the same elements as claim 1, claim 9 and any claim dependent thereon also are patentable over Fraser for at least the same reasons as claim 1.

Furthermore, the Examiner asserts that column 15, lines 6-21 of Fraser discloses “executing the boot program stored in the storage medium” as recited by claim 9. However, the cited portion of Fraser fails to disclose or suggest any boot program to be read from a storage medium and executed on a client device. It is clear that the claimed boot program stored in the storage medium is executed by the client device. As such, claim 9 and any claim dependent thereon are patentable for this reason in addition to the reasons set forth above.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejections of claims 1, 5, 9-10 and 12 .

**Patentability under 35 U.S.C. § 103(a)**

Claims 2-4 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fraser. Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Fraser, and further in view of Knegendorf et al. (USP Publication 2003/040929). Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Fraser, and further in view of Ugajin (USP 5,652,892). Claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Fraser, and further in view of Gould et al. (USP 6,920,561). Claims 11, 13 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fraser, and further in view of Yoon et al. (USP 6,088,794). Claims 15 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fraser, and further in view of Golding et al. (USP 5,265,163). Applicants respectfully traverse these rejections for at least the following reasons.

Applicants incorporate herein the arguments previously advanced in traversal of the rejection under 35 U.S.C. § 102(b) predicated upon Fraser. The additional cited references do not teach or suggest at least the “program stored in the non-volatile memory area” of the storage medium of claims 1 and 9, which is missing from Fraser. Therefore, any combination of Fraser with Knegendorf, Ugajin, Gould, Yoon or Golding would still be missing the claimed feature, and it would not have been obvious to add this feature to any such combination.

As such, Applicants respectfully request that the Examiner withdraw the rejections of claims 2-4, 7-8, 11 and 13-16 under 35 U.S.C. § 103(a).

**Conclusion**

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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